

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MAURICE BEY-EL,	:	CIVIL ACTION
	:	
	:	
v.	:	NO. 08-CV-2745
	:	
DAVID DIGUGLIELMO, et al.,	:	
	:	

## ORDER

AND NOW, this 23rd day of December, 2008, upon consideration of the Petition for Writ of Habeas Corpus, the Commonwealth's Response, inclusive of all exhibits thereto, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells and the objections tendered by the petitioner (Doc. No. 11), it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Petition for Writ of Habeas Corpus is DISMISSED without an evidentiary hearing; and
3. Petitioner has not met statutory requirements to have his case heard and no reasonable jurist could find this procedural ruling debatable; thus, a certificate of appealability is DENIED.

IT IS SO ORDERED.

BY THE COURT;

/S/LEGROME D. DAVIS

Legrome D. Davis, J